

WEDNESDAY, JULY 11, 2001
SIXTY-FOURTH LEGISLATIVE DAY

The House met at 11:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Williams; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 749: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 790: Rep(s). Briley as prime sponsor(s).

House Bill No. 1244: Rep(s). Garrett as prime sponsor(s).

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House Bill No. 1442: Rep(s). Pinion, Buck, Kent, Cole (Carter), Todd, Bowers, Turner (Hamilton), Montgomery and Roach as prime sponsor(s).

House Bill No. 1899: Rep(s). Chumney as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Rinks was/were removed as sponsor(s) of **House Bill No. 1873**.

**MESSAGE FROM THE SENATE
July 11, 2001**

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 348 for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1496** -- Taxes - Imposes tax of \$5.00 on bail bonds; does not create new bail bond because of increase in amount of bond. Amends TCA Title 40, Chapter 11 and Title 67, Chapter 4. by *Person. (HB1582 by *Rinks, *McDaniel, *Patton)

REPORTS FROM STANDING COMMITTEES

The committees that met on **July 11, 2001**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 749, 1391, 900, 790, 1442, 1244, Senate Joint Resolution(s) No(s). 444, 445, 446 and 465, also House Bill(s) No(s). 649, 1916, 368, 745, 770, 1873, 155 and 1466 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for July 11, 2001**: House Bill(s) No(s). 1899, 749, 1391, 745, 900, 1442, 770, 790, 155, 1873, 1466, 649, 1244, 368 and 1916.

The Committee set the following bill(s) and/or resolution(s) on the **Supplemental Consent Calendar for July 11, 2001**: Senate Joint Resolution(s) No(s). 444, 445, 446 and 465.

CONSENT CALENDAR

House Joint Resolution No. 589 -- Memorials, Personal Occasion - Mr. and Mrs. Jonathan S. Morrell, married May 19, 2001. by *Mumpower.

Senate Joint Resolution No. 464 -- Memorials, Sports - Kirk Haston, Charlotte Hornets NBA draft pick. by *Jackson.

Senate Joint Resolution No. 470 -- Memorials, Congratulations - Cherrie Holden and Tommie Pardue. by *Person.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2039 -- Tennessee Regulatory Authority - Allows directors to actively campaign for immediate family members. Amends TCA Section 65-1-202. by *Davidson. (*SB2001 by *Crutchfield)

Further consideration of House Bill No. 2039 previously considered on July 10, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 2039 was made to conform with **Senate Bill No. 2001**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that **Senate Bill No. 2001** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes72
Noes19
Present and not voting4

Representatives voting aye were: Armstrong, Arriola, Baird, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Beavers, Bittle, Black, Clem, Davis (Washington), Goins, Hagood, Hargett, Harwell, Johnson, Mumpower, Overbey, Pleasant, Rowland, Scroggs, Sharp, Stanley, Vincent, Wood -- 19.

Representatives present and not voting were: Bunch, Chumney, Patton, Sargent -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on Senate Bill No. 2001 and have this statement entered in the Journal: Rep(s). Pleasant.

REGULAR CALENDAR, CONTINUED

House Bill No. 1582 -- Taxes - Imposes tax of \$5.00 on bail bonds; does not create new bail bond because of increase in amount of bond. Amends TCA Title 40, Chapter 11 and Title 67, Chapter 4, by *Rinks, *McDaniel, *Patton. (*SB1496 by *Person)

Further consideration of House Bill No. 1582 previously considered on May 24, 2001 and May 29, 2001, at which time it was reset for today's Calendar.

Rep. Rinks requested that House Bill No. 1582 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 1899 -- Election Laws - Directs state coordinator of elections to study feasibility of internet voting in future state elections. Amends TCA Title 2, by *Shaw. (*SB1170 by *Herron)

On motion, House Bill No. 1899 was made to conform with **Senate Bill No. 1170**; the Senate Bill was substituted for the House Bill.

Rep. Shaw moved that Senate Bill No. 1170 be passed on third and final consideration.

Rep. Black requested that Senate Bill No. 1170 be moved down 5 places on the Calendar.

***House Bill No. 749** -- Pensions and Retirement Benefits - Recalculates line of duty benefits granted to minor and adult beneficiaries of governmental employees under TCRS. Amends TCA Title 8, Chapter 36. by *Garrett, *Davidson, *McDonald, *Langster, *Briley, *Pruitt, *Jones, S.. (SB1324 by *Haynes, *Harper, *Graves, *Williams)

On motion, House Bill No. 749 was made to conform with **Senate Bill No. 1324**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 1324 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Langster moved that **Senate Bill No. 1324** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 900 -- Victims' Rights - Qualifies bar against present claim under victim compensation act that injury occurred while victim was willing passenger in vehicle driven by intoxicated driver to require that victim must know that driver was intoxicated. Amends TCA Title 29, Chapter 13, Part 1. by *Buck. (*SB992 by *Henry)

On motion, House Bill No. 900 was made to conform with **Senate Bill No. 992**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 992 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 992** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1442** -- Victims' Rights - Allows compensation for grief counseling, unreimbursable mental health counseling, and health care costs for certain members of victim's family; increases total amount that may be awarded under criminal injuries compensation act from \$18,000 to \$20,000. Amends TCA Title 29, Chapter 13. by *Scroggs, *Ridgeway. (SB1625 by *Herron)

Rep. Scroggs moved that House Bill No. 1442 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1442 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-13-105(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) In case of the death of a victim where the compensation is for unreimbursed or unreimbursable mental health counseling or treatment made necessary by the death of the victim, a relative of the victim or to an individual who provided substantial support to the victim at the time of the victim's death;

SECTION 2. Tennessee Code Annotated, Section 29-13-107, is amended by deleting the word "and" at the end of subdivision (4); by deleting the period at the end of subdivision (5) and substituting instead a semi-colon and the word "and"; and by adding the following as a new subdivision:

(6) No compensation awarded for mental health counseling or treatment made necessary by the death of a victim pursuant to § 29-13-105(a)(3) shall exceed three thousand dollars (\$3,000). All awards granted under § 29-13-105(a)(3) shall be aggregated in determining this amount.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it and shall apply to all compensable offenses committed on or after that date.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Scroggs moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1442 by deleting the effective date section and by substituting instead the following:

SECTION ____ This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Scroggs moved that **House Bill No. 1442**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Clem -- 1.

A motion to reconsider was tabled.

House Bill No. 790 -- Fines and Penalties - Clarifies that fine imposed for driving on canceled, suspended, or revoked license due to second or subsequent conviction for vehicular assault, vehicular homicide, or driving while intoxicated is not more than \$3000. Amends TCA Title 55, Chapter 50, Part 5. by *Briley, *Buck. (*SB12 by *Cohen)

On motion, House Bill No. 790 was made to conform with **Senate Bill No. 12**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that **Senate Bill No. 12** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Caldwell -- 1.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

House Bill No. 1244 -- Bond Issues - Authorizes sale of \$2,000,000 in bonds to fund cabins and improvements at David Crockett State Park. by *White. (*SB1356 by *Jackson)

Rep. White moved that House Bill No. 1244 be passed on third and final consideration.

Rep. Montgomery moved the previous question, which motion prevailed.

Rep. White moved that **House Bill No. 1244** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	1
Present and not voting	2

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Cooper -- 1.

Representatives present and not voting were: Brooks, Hargrove -- 2.

A motion to reconsider was tabled.

***Senate Bill No. 1170** -- Election Laws - Directs state coordinator of elections to study feasibility of internet voting in future state elections. Amends TCA Title 2. by *Herron. (HB1899 by *Shaw)

Further consideration of Senate Bill No. 1170 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill.

Rep. Shaw moved that Senate Bill No. 1170 be passed on third and final consideration.

Rep. Davidson moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1170 by adding the following new section immediately preceding the last section and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 2-13-204(a), is amended by adding the language "or withdraws because such candidate is elected to a county-wide office," after the language "for a job-related reason,".

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Shaw moved that **Senate Bill No. 1170**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	64
Noes	22
Present and not voting	8

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Hargrove, Head, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Sands, Sargent, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Baird, Beavers, Bittle, Black, Bunch, Buttry, Clem, Davis (Washington), Goins, Hagood, Hargett, Harwell, Johnson, McKee, Montgomery, Overbey, Pleasant, Roach, Rowland, Stanley, Todd, Wood -- 22.

Representatives present and not voting were: Dunn, Fowlkes, Hood, McDonald, Mumpower, Newton, Patton, Sharp -- 8.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1731** -- Safety - Alters certain requirements pertaining to use of certain restraint systems in passenger motor vehicles. Amends TCA Title 55, Chapter 9, Part 6. by *Ford J. (HB1559 by *Brooks, *Towns, *Turner (Hamilton), *Brown, *Stanley)

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1731

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1731 (House Bill No. 1559) has met and recommends that all House and Senate amendments be deleted.

The Committee further recommends that the following amendment be adopted:

By deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-9-602, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1) Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street or highway of Tennessee is responsible for providing for the protection of the child and properly using a child passenger restraint system meeting federal motor vehicle safety standards. Nothing in this subsection restricts a mother from removing the child from the restraint system and holding the child when the mother is nursing the child.

(2) Any person transporting a child, between four (4) and eight (8) years of age who weighs less than forty (40) pounds, in a motor vehicle upon a road, street or highway of Tennessee is responsible for providing for the protection of the child and properly using a separate carrier, an integrated child seat or a belt-positioning booster seat.

SECTION 2. Tennessee Code Annotated, Section 55-9-602(g), is amended by deleting subdivision (1) and by substituting instead the following:

(1) Any person transporting any child, between four (4) and eight (8) years of age who weighs forty (40) pounds or more, or any child, between eight (8) and fifteen (15) years of age, in a passenger motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

Senator Ward Crutchfield	Representative Henri Brooks
Senator Roscoe Dixon	Representative Tommie Brown
Senator John Ford	Representative Paul Stanley

Rep. Brooks moved that the Report of the Conference Committee on **Senate Bill No. 1731** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	54
Noes	41
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, DeBerry J, DeBerry L, Fitzhugh, Garrett, Givens, Head, Hood, Jones S, Jones U, Kent, Kernell, Langster, Maddox, McDonald, McMillan, Miller, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Sargent, Scroggs, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, Windle, Mr. Speaker Naifeh - 54.

Representatives voting no were: Baird, Beavers, Bittle, Bunch, Buttry, Caldwell, Clem, Davidson, Davis (Washington), Davis (Cocke), Ferguson, Ford, Fowlkes, Fraley, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Johnson, Kisber, Lewis, McDaniel, McKee, Montgomery, Mumpower, Patton, Pleasant, Ridgeway, Rinks, Roach, Rowland, Sands, Sharp, Tidwell, Vincent, White, Whitson, Winningham, Wood -- 41.

Representatives present and not voting were: Black, Dunn -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on the Conference Committee Report on Senate Bill No. 1731 and have this statement entered in the Journal: Rep(s). Walker.

RECESS MOTION

Rep. Davidson moved that the House stand in recess until 1:30 p.m.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 155: Rep(s). Towns and Langster as prime sponsor(s).

House Bill No. 368: Rep(s). Langster, Pruitt and Hargrove as prime sponsor(s).

House Bill No. 745: Rep(s). McDonald, Shepard, Ridgeway, Bone, Briley, Baird, Goins and Newton as prime sponsor(s).

House Bill No. 770: Rep(s). Buck, Brooks and Towns as prime sponsor(s).

House Bill No. 1466: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 1916: Rep(s). Godsey, Mumpower and Davis (Washington) as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

July 11, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 460, 580, 582, 584, 586 and 587, with his approval.

JAY BALLARD, Counsel to the Governor.

ENGROSSED BILLS

July 11, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 589.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

July 11, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1244 and 1442.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 11, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 12, 992, 1667, 2001; also, Senate Joint Resolution(s) No(s). 464, 466 and 467 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

July 11, 2001

The Speaker signed the following: Senate Bill(s) No(s). 12, 992, 1667, 2001; also, Senate Joint Resolution(s) No(s). 464, 466 and 467.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Davidson, the roll call was dispensed with.

SUPPLEMENTAL CONSENT CALENDAR

***Senate Joint Resolution No. 444** -- Highway Signs - "Clarence J. Rutherford Bridge," S.R. 394 in Sullivan County. by *Ramsey.

***Senate Joint Resolution No. 445** -- Highway Signs - "Great Stage Road," S.R. 126 in Blountville, Sullivan County. by *Ramsey.

***Senate Joint Resolution No. 446** -- Highway Signs - "Pfc. Dave C. Hinkle Memorial Bridge," State Route 44 in Sullivan County. by *Ramsey.

***Senate Joint Resolution No. 465** -- Highway Signs - City of Lobelville. by *Jackson.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Turner (Hamilton), Walker -- 2.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR

***House Bill No. 649** -- Courts, Administrative Office of the - Requires TnCIS steering committee to determine whether TnCIS system is meeting objectives of greater efficiency and reduced cost, and to report to general assembly on any necessary changes. Amends TCA Title 16. by *Kisber. (SB1493 by *Rochelle)

Rep. Kisber moved that House Bill No. 649 be passed on third and final consideration.

Rep. Buck requested that Judiciary Committee Amendment No. 1 be placed at the heel of the Amendments.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 649 by deleting all language following the enacting clause and substituting the following language:

SECTION 1. Tennessee Code Annotated, Section 16-21-101, is amended by deleting the existing language and substituting the following language:

16-21-101. Establishment – Membership. There is established a judicial council, which shall consist of one (1) of the judges of the supreme court, to be selected by a majority vote of the judges of the supreme court; one (1) of the judges of the court of appeals, to be selected by a majority vote of the judges of the court of appeals; one (1) of the judges of the court of criminal appeals to be selected by a majority vote of the judges of the court of criminal appeals; one (1) chancellor, one (1) circuit court judge, and one (1) criminal court judge, to be selected by a majority vote of the judges of the supreme court; one (1) general sessions court judge to be selected by a majority vote of the members of the board of governors of the Tennessee general sessions judges' conference; one (1) juvenile court judge to be selected by a majority vote of the executive committee of the Tennessee council of juvenile and family court judges; the speaker of the senate, or the speaker's designee; the speaker of the house of representatives, or the speaker's designee; the chair of the judiciary committee of the senate; the chair of the judiciary committee of the house of representatives; the attorney general and reporter, ex officio; the administrative director of the courts, ex officio; two (2) laypersons to be selected by the governor; two (2) members of the bar of the state of Tennessee who have each practiced law at least three (3) years in the state, to be selected by the governor; and one (1) clerk of a civil court and one (1) clerk of a criminal court to be appointed by the president of the state court clerks conference.

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 649 By adding the following immediately before the effective date section:

SECTION___. Tennessee Code Annotated, Title 16, Chapter 3, is amended by adding the following as a new part 10:

Section 16-3-1001. (a)(1) There is hereby established within the general fund a special revolving loan fund to be known as the "automated court system hardware replacement loan fund" referred to in this part as the "fund". Such fund is established for the purpose of providing interest-free funding for the replacement of computer hardware associated with automated court systems that have been implemented by courts of the state.

(2) The department of finance and administration shall administer the fund and shall adopt rules and regulations for such administration.

(3) All interest and earnings of the fund shall remain a part of the fund.

(4) No part of the fund shall revert to the general fund at the end of any fiscal year, but shall remain a part of the fund available for expenditure in accordance with the provisions of this part.

(5) The department shall deposit in the fund all receipts from the repayment of loans made pursuant to this part.

(6) Nothing in this part shall be construed to exclude or prevent future appropriations to the fund.

(b) All counties in which any court has implemented the Tennessee Court Information System (TnCIS), or a court automation system determined by the Administrative Office of the Courts to be functionally equivalent, are eligible to receive loans from the fund to purchase necessary computer hardware components in accordance with a hardware replacement schedule approved and monitored by the administrative office of the courts. No interest expense shall be passed on to the county unless the state issues bonds to capitalize all or a portion of the fund. In such case, a reasonable cost of issuance may be passed on to the loan recipients.

(c) When a county requests the department to have the state finance the acquisition of replacement hardware for an automated court system, the affected clerk(s), the governing body of the county, and the department shall enter into an agreement to be known as the "automated court system hardware replacement loan agreement" referred to in this part as the "agreement." The comptroller of the treasury must approve any deviations from the requirements outlined in the agreement. The agreement is subject to the following requirements:

(1) The original term of the loan shall be for a period of four (4) years. Annual installment payments to the fund shall begin the same year as funds are borrowed. The department shall establish an annual payment due date of June 1. Notice of the loan agreement, including the annual payment schedule, shall be sent to the comptroller of the treasury.

(2) All computer hardware purchased by a county under the agreement shall be acquired from current state contracts.

(3) The agreement may contain any other reasonable provisions deemed necessary and desirable by the department, the administrative office of the courts, the comptroller of the treasury, the clerk for whom the replacement hardware is being purchased, or the governing body of the county.

(4) If a county fails or neglects to pay any of the annual payments prescribed, the commissioner of finance and administration shall retain the sum necessary for such payment out of any state funds distributable to the county in which the state court resides. No statutory requirement that any distributable, state collected, locally shared funds shall be used exclusively for a designated purpose shall be construed as preventing the commissioner from withholding such funds.

(5) The state will maintain a lien on any computer hardware purchased with monies borrowed from the fund until the terms and conditions of the agreement have been satisfied.

On motion, Judiciary Committee Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 649 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding any provision of law to the contrary, all of the first year's funding of this act shall be from non-state sources and may be from non-state sources, in whole or in part, in subsequent years.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 was adopted.

Rep. Kisber moved that **House Bill No. 649**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1916** -- Environment and Conservation, Department of - Establishes voluntary cleanup oversight and assistance program; creates Notice of Land Use Restrictions; authorizes commissioner to make loans. - TCA Title 68, Chapter 212, Part 2. by *McCord, *Chumney. (SB1889 by *Ramsey, *Fowler, *Cooper J, *Norris, *Williams)

On motion, House Bill No. 1916 was made to conform with **Senate Bill No. 1889**; the Senate Bill was substituted for the House Bill.

Rep. McCord moved that Senate Bill No. 1889 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1889 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 68-212-202 is amended by adding, in the following new definition:

"Brownfield Project" is the screening, investigation, monitoring, control and/or remediation of any abandoned, idled, under-utilized, or other property whose re-use, growth, enhancement or redevelopment is complicated by real or perceived adverse environmental conditions. Brownfield projects may address sites contaminated by hazardous substances, solid waste, or any other pollutant.

SECTION 2. Tennessee Code Annotated Section 68-212-213 is amended by adding a new section (1) as follows and renumbering the existing sections.

(1) Fails, neglects, or refuses to comply with a land use restriction filed pursuant to Section 68-212-225; or

SECTION 3. Tennessee Code Annotated Section 68-212-224(a) is amended by deleting the existing language and substituting the following:

(a)(1) There is hereby established a voluntary cleanup oversight and assistance program for the voluntary cleanup of Brownfield projects. The commissioner may enter into voluntary agreements or consent orders for the investigation and/or remediation of such sites or projects with any willing and able person: provided, however that a voluntary agreement may not be employed with a person who generated, transported or released contamination that is to be addressed at the site. A person entering into a voluntary agreement or consent order shall submit to the commissioner any currently existing environmental investigations, studies, reports or documents in its control or currently existing environmental investigations, studies, reports or documents that could reasonably be obtained through a due diligence search concerning the site's regulatory history and environmental condition. Such voluntary agreements or consent orders shall outline the agreed upon investigation, remediation, monitoring, and/or maintenance, and shall be consistent with section 201 of this part. Such voluntary agreements or consent orders shall address public notice and public input. All activities shall be subject to any otherwise applicable and appropriate, zoning, land use regulations and cleanup standards, including without limitation all provisions regarding public notice and opportunity for public input. All such voluntary agreements or consent orders may provide for the reimbursement of the department's oversight cost. These agreements shall not limit liability for contamination of a site occurring after the date of the voluntary agreement or consent order or for contamination not identified and addressed in the voluntary agreement or consent order. No such voluntary agreement or consent order shall be entered into concerning a site listed on the federal National Priorities List, or after a site has been proposed for such listing, without the concurrence of the United States Environmental Protection Agency (EPA). Sites that the United States Environmental Protection Agency has identified and advised the commissioner as eligible to be proposed for listing on the federal National Priorities List will be managed in a cooperative process with the United States Environmental Protection Agency.

(2) For inactive hazardous substance sites, the commissioner has the discretion and is authorized to establish an apportionment of liability consistent with § 68-212-207(b) in a voluntary agreement or consent order. Further, the commissioner may limit the liability of a participant(s) in any voluntary agreement or consent order entered into pursuant to this section. Such a voluntary agreement or consent order may limit the participant's liability to the obligations set forth therein and exempt the participant(s) from any further liability under any statute administered by the department, for investigation, remediation, monitoring and/or maintenance of contamination identified and addressed in the voluntary agreement or consent order.

The commissioner may extend this liability protection to successors in interest or in title to the participant(s), contractors conducting response actions at the site, developers, future owners, tenants, and lenders, fiduciaries or insurers, conditioned upon performance of the voluntary agreement or consent order and compliance with any land use restrictions required thereby; provided, that such liability protection to other persons does not apply to liability that arose prior to the voluntary agreement or consent order. Nothing in this section shall impair the rights of third parties with respect to tort liability claims for damage to person or property arising from the contamination addressed by the voluntary agreements or consent orders.

(3) A person who enters into a voluntary agreement or consent order with the commissioner that contains an apportionment or limitation of liability, pursuant to this section, shall not be liable to third parties for contribution regarding matters addressed in the voluntary agreement or consent order, provided that the third party was given actual or constructive notice of the voluntary agreement or consent order, and the third party had an actual or constructive opportunity to comment upon the voluntary agreement or consent order. Constructive notice may be accomplished by, among other means, publishing a summary of the voluntary agreement or consent order in a newspaper of general circulation within the geographical area of the site or project at least thirty (30) days prior to the effective date of the agreement or order. For inactive hazardous substance sites, such voluntary agreements or consent orders shall, to the extent provided therein, constitute an approved administrative settlement pursuant to 42 U.S.C. § 9613(f).

(4) Except in an action to enforce a voluntary agreement or consent order, such agreement or order shall not be admissible as evidence, in any suit, hearing or other proceeding, against a person who received liability protection pursuant to this section. Voluntary agreements and consent orders are not admissible as evidence of comparative fault in any third party tort suit, hearing or other proceeding.

SECTION 4. Tennessee Code Annotated Section 68-212-224(b) is amended by adding the following after the existing language:

The commissioner may waive any part, or all, of this fee if the commissioner determines that such waiver serves the public welfare.

SECTION 5. Tennessee Code Annotated Section 68-212-224(f) is amended by deleting the existing language and substituting the following:

(f) In the event a person does not fulfill all the requirements established in a voluntary agreement or consent order, the commissioner may seek to enforce the voluntary agreement or consent order through any legal remedy.

SECTION 6. Tennessee Code Annotated Section 68-212-224(g) is amended by deleting the existing language and substituting the following:

(g) Upon completion of all terms and conditions of a voluntary agreement or consent order under this program, the commissioner shall issue a letter to the participant(s) stating that the obligations under the voluntary agreement or consent order have been completed and, if appropriate, that no further action will be required of the participant(s). Upon reasonable request of participant(s), the commissioner shall issue from time to time interim letter(s) stating what specific obligations remain to achieve completion.

SECTION 7. Tennessee Code Annotated Section 68-212-224(h) is amended by deleting the existing language and substituting the following:

(h) Any consent order, voluntary agreement, the creation or removal of deed restrictions, and any other final agency action is subject to review pursuant to the uniform administrative procedures act codified in Tennessee Code Annotated, Title 4, Chapter 5. When Public Notice is required to be given pursuant to this section, at a minimum notice shall be sent by certified mail to all local governments having jurisdiction over any part of the subject property and to all owners of adjoining properties.

SECTION 8. Tennessee Code Annotated Title 68, Chapter 212, Part 2 is amended by adding the following new section 68-212-225:

(a) Upon a determination by the commissioner that land use restrictions are an appropriate remedial action at any remediation, containment, cleanup, closure or Brownfield project, the commissioner may either:

(1) order the owner(s) of the site to file or permit the filing of; or

(2) with the consent of the owner(s) of the site, or upon an order issued pursuant to (a)(1) above becoming final, file or cause to be filed; a Notice of Land Use Restrictions in the register of deeds office in the appropriate county(s). A copy of this Notice shall be mailed to all local governments having jurisdiction over any part of the subject property.

(b) Such a Notice of Land Use Restrictions shall be entitled "Notice of Land Use Restrictions," and shall:

(1) include a legal description of the site that would be sufficient as a description of the property in an instrument of conveyance;

(2) identify the location and dimensions of the areas of potential environmental concern with respect to surveyed, permanent benchmarks. Where a site encompasses more than one parcel or tract of land, a composite map or plat showing all parcels or tracts may be recorded;

(3) identify generally the type, location, and quantity of regulated hazardous substances and regulated substances known to exist on the site; and

(4) identify specific restrictions on the current or future use of the site.

(c) Land use restrictions may apply to activities on, over, or under the land, including, but not limited to, use of property, use of groundwater, building, filling, grading, excavating, and mining.

(d) The register of deeds shall record the notice and index it in the grantor index under the names of the owners of the land.

(e) After public notice and an opportunity for public input, a Notice of Land Use Restrictions filed pursuant to this section may be made less stringent or canceled by the commissioner if the risk has been eliminated or reduced so that less restrictive land use controls are protective of human health and the environment. The department shall notify all owners of adjoining properties of any proposed changes to present land use restrictions. Such notice shall be sent by certified mail, return receipt requested. Notice of such changes shall be mailed to all local governments having jurisdiction over any part of the subject property. If requested in writing by the owner of the land and if the commissioner concurs with the request, the commissioner shall send to the register of deeds of each county where the notice is recorded a statement that the hazards have changed or been eliminated. The commissioner's statement shall contain the names of the owners of the land as shown in the notice and reference the plat book and page where the notice is recorded. The register of deeds shall record the commissioner's statement in the deed books and index it on the grantor index in the names of the owners of the land as shown in the Notice of Land Use Restrictions and on the grantee index in the name "Commissioner of the Department of Environment and Conservation."

(f) Any land use restriction filed pursuant to this section may be enforced by any owner of the land. The commissioner, through issuance of an Order or by means of a civil action, including one to obtain an injunction against present or threatened violations of the restriction, may also enforce any such land use restriction. A land use restriction may also be enforced by any unit of local government having jurisdiction over any part of the subject property, by means of a civil action without the unit of local government having first exhausted any available administrative remedy. Any person eligible for liability protection under an agreement entered into pursuant to this Act may also enforce a land use restriction. A land use restriction shall not be declared unenforceable due to lack of privity of estate or contract, due to lack of benefit to particular land, or due to lack of any property interest in particular land. Any person who owns or leases a property subject to a land use restriction under this section shall abide by the land use restriction.

SECTION 9. Tennessee Code Annotated Title 68, Chapter 212, Part 2 is amended by adding the following new section 68-212-226:

(1) From any federal funds available to the department and any state funds used as a match to obtain those federal funds, the commissioner may, in his discretion, provide grants and/or loans to municipalities, counties and/or other governmental instrumentalities to conduct screening, investigation, remediation, containment, cleanup and/or closure of inactive hazardous substance sites, solid waste disposal sites or Brownfield projects under the authority of any statute administered by the department.

(2) A brownfield project shall be deemed to be within the term "project" as that term is defined at Tennessee Code Annotated Section 7-53-101(11). Any local government having jurisdiction over any part of a brownfield project is authorized to use tax increment financing for such project pursuant to Tennessee Code Annotated Section 13-20-205.

SECTION 10. This Act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1889 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall be subject to the United States Environmental Protection Agency's Title VI regulations and the applicable provisions of Title VI of the 1964 Civil Rights Act.

On motion, Judiciary Committee Amendment No. 2 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1889 by deleting the language in Section 8(a) of the bill as amended by House Judiciary Committee Amendment Nos. 1 (HA0210) and 2 (HA0211) as follows:

(a) Upon a determination by the commissioner that land use restrictions are an appropriate remedial action at any remediation, containment, cleanup, closure or Brownfield project, the commissioner may either:

and by substituting instead the following language:

(a) Upon a determination by the commissioner that land use restrictions are the appropriate, or a part of the, remedial action at any remediation, containment, cleanup, closure or Brownfield project, the commissioner shall either:

AND FURTHER AMEND by deleting the language of the fifth sentence in Section 8(e) of the bill as amended by House Judiciary Committee Amendment Nos. 1 (HA0210) and 2 (HA0211) and by substituting instead the following language:

If the commissioner determines that the restrictive land use controls can be made less stringent or cancelled, then the commissioner shall send to the register of deeds of each county where the notice is recorded a statement that the hazards have changed or been eliminated.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1889 by deleting the section immediately preceding the last section of the bill as amended by House Judiciary Committee Amendment Nos. 1 (HA0210) and 2 (HA0211) and by substituting instead the following language:

SECTION _____. The provisions of this section shall be subject to the applicable provisions of Title VI of the 1964 Civil Rights Act.

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AND FURTHER AMEND by deleting from the amendatory Section 68-212-224(a) in Section 3(a)(1) of the bill as amended by House Judiciary Committee Amendment Nos. 1 (HA0210) and 2 (HA0211) the following language:

A person entering into a voluntary agreement or consent order shall submit to the commissioner any currently existing environmental investigations, studies, reports or documents in its control or currently existing environmental investigations, studies, reports or documents that could reasonably be obtained through a due diligence search concerning the site's regulatory history and environmental condition.

And by substituting instead the following language:

A person entering into a voluntary agreement or consent order shall submit to the commissioner a summary description of known existing environmental information, including investigations, studies, reports or documents concerning the site's environmental condition. Such summary description shall include, but shall not be limited to: the date of the information; its author; any actions taken in response to the information including further sampling or monitoring; and, any other aspect of the information which could reasonably be relevant to the terms and conditions of a voluntary agreement or consent order.

AND FURTHER AMEND by deleting the language in Section 8(a) of the bill as amended by House Judiciary Committee Amendment Nos. 1 (HA0210) and 2 (HA0211) and by substituting instead the following language:

Upon a determination by the commissioner that land use restrictions are the appropriate remedial action at any remediation, contamination, cleanup, closure or Brownfield project, the commissioner shall either:

AND FURTHER AMEND by deleting the language of the fourth sentence in Section 8(e) of the bill as amended by House Judiciary Committee Amendment Nos. 1 (HA0210) and 2 (HA0211) and by substituting instead the following language:

If the commissioner determines that the restrictive land use controls can be made less stringent or cancelled, then the commissioner shall send to the register of deeds of each county where the notice is recorded a statement that the hazards have changed or been eliminated.

AND FURTHER AMEND by adding a new section as follows:

SECTION _____. Tennessee Code Annotated Section 68-211-104 is amended by deleting the current definition of "Solid waste processing" and substituting in its place the following language:

(10) "Solid waste processing" means any process that modifies the characteristics or properties of solid waste, including but not limited to treatment, incineration, composting, separation, grinding, shredding, and volume reduction provided, that it does not include the grinding or shredding of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch or other useful products.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 was adopted.

Rep. McCord moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1889 by deleting the effective date section and by substituting instead the following:

SECTION _____. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 5 was adopted.

Rep. McCord moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 1889 by deleting from subdivision (a)(1) of the amendatory language of Section 3, as amended, the following:

A person entering into a voluntary agreement or consent order shall submit to the commissioner a summary description of known existing environmental information, including investigations, studies, reports or documents concerning the site's environmental condition. Such summary description shall include, but shall not be limited to: the date of the information; its author; any actions taken in response to the information including further sampling or monitoring; and, any other aspect of the information which could reasonably be relevant to the terms and conditions of a voluntary agreement or consent order.

and by substituting instead the following language:

A person entering into a voluntary agreement or consent order shall submit to the commissioner a summary description of all known existing environmental investigations, studies, reports or documents concerning the site's environmental condition. Such summary description shall include, but shall not be limited to: date of the material; title of the material; person or entity that produced the material; results or conclusions contained in the material; any remedial action recommended including any monitoring and/or maintenance; and, other information which could reasonably be construed to be material to the Commissioner's decision to enter into a voluntary agreement or consent order.

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On motion, Amendment No. 6 was adopted.

Rep. Montgomery moved the previous question, which motion prevailed.

Rep. McCord moved that **Senate Bill No. 1889**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 368** -- Hospitals and Health Care Facilities - Establishes Center for Stroke Care Excellence at hospital in each grand division of state. Amends TCA Title 68. by *Bowers. (SB690 by *Ford J)

On motion, House Bill No. 368 was made to conform with **Senate Bill No. 690**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 690 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 690 by deleting Section 2 of the bill as amended by House Amendment No. 1 (HA0257) and Senate Amendment No. 1 (SA0384).

AND FURTHER AMEND by deleting Section 3 of the bill as amended by House Amendment No. 1 (HA0257) and Senate Amendment No. 1 (SA0384) and by substituting instead the following:

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Bowers moved that **Senate Bill No. 690**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 745 -- Unemployment Compensation - Revises weekly benefit amount paid as unemployment compensation. Amends TCA Section 50-7-301. by *West, *Jones, S., *Pinion. (*SB413 by *Jackson, *Dixon, *Cooper J, *Trail, *Rochelle, *Kyle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Crowe, *Crutchfield, *Davis L, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Wilder, *Williams)

On motion, House Bill No. 745 was made to conform with **Senate Bill No. 413**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 413 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 413 by deleting the language in Section 1 of this bill, as amended, in its entirety and substituting instead the following new language:

Tennessee Code Annotated, Section 50-7-301(b), is amended at the end of the Benefit Table in such subsection by deleting the language which reads "6,630.01 and over 255" and substituting instead the language:

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6,630.01 through 6,656.00 255

This subsection is further amended by adding the following new language:

COLUMN A	COLUMN B
AVERAGE WAGES PAID IN	WEEKLY
HIGHEST TWO QUARTERS OF	BENEFIT
BASE PERIOD	AMOUNT

(Effective for benefit years established on or after August 5, 2001)

6,656.01 through 6,682.00	256
6,682.01 through 6,708.00	257
6,708.01 through 6,734.00	258
6,734.01 through 6,760.00	259
6,760.01 through 6,786.00	260
6,786.01 through 6,812.00	261
6,812.01 through 6,838.00	262
6,838.01 through 6,864.00	263
6,864.01 through 6,890.00	264
6,890.01 through 6,916.00	265
6,916.01 through 6,942.00	266
6,942.01 through 6,968.00	267
6,968.01 through 6,994.00	268
6,944.01 through 7,020.00	269
7,020.01 through 7,046.00	270
7,046.01 through 7,072.00	271
7,072.01 through 7,098.00	272
7,098.01 through 7,124.00	273
7,124.01 through 7,150.00	274
7,150.01 and over	275

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. West moved that **Senate Bill No. 413**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Clem -- 1.

A motion to reconsider was tabled.

House Bill No. 770 -- Criminal Procedure - Enacts "Post-Conviction DNA Analysis Act of 2001." Amends TCA Title 40, Chapter 26 and Title 40, Chapter 30. by *Briley, *Buck. (*SB796 by *Cohen)

On motion, House Bill No. 770 was made to conform with **Senate Bill No. 796**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that Senate Bill No. 796 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 796 by deleting the following directory and amendatory language from Amendment No. 1:

AND FURTHER AMEND by adding the following language as a new section at the end of Section 1 of the printed bill:

Section 40-30-313. Funding for the DNA analysis provided for by this part shall be from the litigation tax levied under Section 40-24-107(a)(1)(A).

And by substituting instead the following:

AND FURTHER AMEND by adding the following language as a new section at the end of Section 1 of the printed bill:

Section 40-30-313. If an order is issued requiring a DNA analysis be paid on behalf of a petitioner pursuant to this part, the payment shall be made from the criminal injuries compensation fund established under § 40-24-107. Such payment shall be made only after receipt by the state treasurer of a certified copy of the order and only upon receipt of a bill from the laboratory that conducted the analysis. The bill shall set forth the name of the petitioner, the date the analysis was performed, the amount of the bill, and the name and address of the laboratory to which payment is to be made.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 796 by deleting in SECTION 3 the language "July 1, 2001" and substituting instead the language "August 1, 2001"

On motion, Amendment No. 2 was adopted.

Rep. Brooks moved the previous question, which motion prevailed.

Rep. Briley moved that **Senate Bill No. 796**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes	25

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brooks, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Head, Hood, Johnson, Jones S, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Baird, Beavers, Bittle, Black, Bunch, Buttry, Clem, Cole (Carter), Davis (Washington), Dunn, Goins, Hagood, Hargett, Hargrove, Harwell, Kent, Mumpower, Overbey, Rowland, Sargent, Sharp, Stanley, Todd, Whitson, Wood -- 25.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

House Bill No. 1466 -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by *McMillan, *Naifeh, *Todd, *Hargett, *Stanley, *Kent, *Cole (Carter), *Pleasant, *Odom, *Newton, *Turner (Davidson), *Williams (Williamson), *Jones, S., *Briley, *Fitzhugh, *Shepard. (*SB20 by *Kyle, *Person)

Further consideration of House Bill No. 1466 previously considered on today's Regular Calendar.

Rep. McMillan moved that House Bill No. 1466 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

House Bill No. 155 -- Election Laws - Enacts "The 2000 Presidential Election Debacle Reform Bill of 2001." Amends TCA Title 2. by *Kisber, *Jones U (Shelby). (*SB21 by *Cohen, *Cooper J, *Cohen)

On motion, House Bill No. 155 was made to conform with **Senate Bill No. 21**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 21 be passed on third and final consideration.

On motion, Rep. Head withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 21 By deleting from the amendatory language of Section 10, as amended, the language "Class E felony" and by substituting instead the language "Class A misdemeanor".

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. McDaniel moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 21 by deleting SECTION 2 in its entirety and by renumbering subsequent sections accordingly.

Rep. U. Jones moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	55
Noes	41

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jones S, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, White, Windle, Winningham, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Clem, Cole (Carter), Davis (Washington), Davis (Cocke), Dunn, Ford, Godsey, Goins, Hagood, Hargett, Harwell, Johnson, Kent, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Pleasant, Roach, Rowland, Sargent, Scroggs, Sharp, Stanley, Todd, Vincent, Walker, Westmoreland, Whitson, Wood -- 41.

A motion to reconsider was tabled.

Rep. McDaniel moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. U. Jones moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 21 by deleting the effective date section and by substituting instead the following:

SECTION _____. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 5 was adopted.

Rep. Dunn requested that Senate Bill No. 21 be moved down 2 places on the Calendar.

House Bill No. 1873 -- Taxes - Enacts "The Tax Relief and Reform Act of 2001." Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Cole (Dyer), *Head. (*SB1808 by *Clabough)

On motion, House Bill No. 1873 was made to conform with **Senate Bill No. 1808**; the Senate Bill was substituted for the House Bill.

Rep. Cole (Dyer) moved that Senate Bill No. 1808 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

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Rep. Kisber requested that Finance, Ways and Means Committee Amendment No. 2 be placed at the heel of the Amendments.

Rep. Cole (Dyer) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Cole (Dyer) requested that Amendment No. 4 be placed at the heel of the Amendments.

Rep. Cole (Dyer) moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1808 by deleting Section 1 of the bill as amended by Senate Amendment No. 1 (SA0610) and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 67-5-901, is amended by adding the following subsection:

() If real property is classified as residential and is used for overnight rentals as defined in Tennessee Code Annotated, Section 67-4-702(a), then the tangible personal property located within such residential real property shall be classified as other tangible personal property and not as commercial property, provided the owner of such rental properties owns less than three (3) overnight rental properties as defined in Tennessee Code Annotated, Section 67-4-702(a). An individual shall be deemed the owner of property held solely by the individual or the individual's spouse or minor children, or owned in trust for the benefit of the individual or the individual's spouse or minor children. An individual shall further be deemed the owner of property held in partnership with others or owned by a corporation of which the individual owns at least ten percent (10%) of the share. This subsection shall be applicable to assessments for tax year 2001 and 2002 and the assessor is authorized and required to correct 2001 assessments consistent with the provisions of this act upon request by the taxpayer pursuant to Tennessee Code Annotated, Section 67-5-509. This subsection shall be void after December 31, 2002.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 5 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1808 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 67-3-2001(k) is amended by inserting a new subdivision (3) and renumbering the subsequent subdivisions:

(3) If the additional revenues earmarked for the general fund as provided in subdivision (2) are less than seven million dollars (\$7,000,000.00) in the fiscal year ending June 30, 2001, and in subsequent fiscal years, the earmark for the general fund from the gasoline tax imposed under the provisions of Section 67-3-1301 shall be increased in an amount sufficient to provide that the total amount earmarked for the general fund as provided in subdivision (2) and this subdivision shall be seven million dollars (\$7,000,000.00) in the fiscal year ending June 30, 2001, and in subsequent fiscal years.

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. Cole (Dyer) moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1808 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Cole (Dyer) moved that **Senate Bill No. 1808**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	63
Noes	27
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Bittle, Bone, Bowers, Boyer, Briley, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Turner (Hamilton), Walker, Westmoreland, White, Whitson, Mr. Speaker Naifeh -- 63.

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Representatives voting no were: Arriola, Beavers, Black, Bunch, Clem, Davis (Washington), Dunn, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Jones S, McDonald, Odom, Pruitt, Rowland, Sands, Stanley, Turner (Shelby), Turner (Davidson), Vincent, West, Windle, Winningham, Wood -- 27.

Representatives present and not voting were: Brooks, Cooper, Patton -- 3.

A motion to reconsider was tabled.

***House Bill No. 1391** -- Child Custody and Support - Authorizes genetic testing of persons other than parent and child to establish parentage; authorizes department of human services contractors to file for parentage test; makes numerous changes regarding provision of health insurance under child support order. Amends TCA Title 8; Title 24; Title 36; Title 37; Title 45; Title 68 and Title 71. by *Scroggs, *Boyer. (SB1668 by *Person, *Clabough)

On motion, House Bill No. 1391 was made to conform with **Senate Bill No. 1668**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that Senate Bill No. 1668 be passed on third and final consideration.

Rep. Scroggs requested that Senate Bill No. 1668 be moved to the heel of the Calendar.

***Senate Bill No. 21** -- Election Laws - Enacts "The 2000 Presidential Election Debacle Reform Bill of 2001." Amends TCA Title 2. by *Cohen, *Cooper J, *Cohen. (HB155 by *Kisber, *Jones U (Shelby))

Further consideration of Senate Bill No. 21 previously considered on today's Calendar at which time the House substituted the Senate Bill for the House Bill and adopted Amendment(s) No(s). 2 and 5.

Rep. U. Jones moved that Senate Bill No. 21 be passed on third and final consideration.

Rep. Towns moved the previous question, which motion failed by the following vote:

Ayes	53
Noes	37
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Buck, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Harwell, Head, Hood, Jones S, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, White, Windle, Winningham, Mr. Speaker Naifeh -- 53.

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Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Clem, Cole (Carter), Davis (Washington), Davis (Cocke), Dunn, Ford, Godsey, Goins, Hagood, Hargett, Johnson, Kent, McCord, McDaniel, McKee, Montgomery, Mumpower, Overbey, Patton, Pleasant, Rowland, Sargent, Sharp, Stanley, Todd, Vincent, Walker, Westmoreland, Whitson, Wood -- 37.

Representatives present and not voting were: Kernell -- 1.

After further debate, Rep. Odom moved the previous question, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 21**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes	40

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jones S, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, White, Windle, Winningham, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Clem, Cole (Carter), Davis (Washington), Davis (Cocke), Dunn, Ford, Godsey, Goins, Hagood, Hargett, Harwell, Johnson, Kent, McCord, McDaniel, McKee, Montgomery, Mumpower, Overbey, Patton, Pleasant, Roach, Rowland, Sargent, Scroggs, Sharp, Stanley, Todd, Vincent, Walker, Westmoreland, Whitson, Wood -- 40.

A motion to reconsider was tabled.

Senate Bill No. 1668 -- Child Custody and Support - Authorizes genetic testing of persons other than parent and child to establish parentage; authorizes department of human services contractors to file for parentage test; makes numerous changes regarding provision of health insurance under child support order. Amends TCA Title 8; Title 24; Title 36; Title 37; Title 45; Title 68 and Title 71. by *Person, *Clabough. (*HB1391 by *Scroggs, *Boyer)

Further consideration of Senate Bill No. 1668 previously considered on today's Calendar at which time the House substituted the Senate Bill for the House Bill and the House was on the motion to adopt Amendment(s) No(s). 1.

Rep. Scroggs moved that Senate Bill No. 1668 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

MOTION TO RECONSIDER

Rep. Rinks moved to lift from the table the motion to reconsider action in adopting House Joint Resolution No. 96, which motion prevailed.

***House Joint Resolution No. 96** -- General Assembly, Studies - Creates special joint committee to study workplace wage discrimination. by *Sands, *Langster, *Rinks, *Brooks, *Turner (Hamilton), *Towns, *Fitzhugh, *Maddox, *Brown.

Rep. Rinks moved to reconsider action in adopting House Joint Resolution No. 96, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was withdrawn.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 96 by deleting the language of the resolution in its entirety and by substituting instead the following:

A RESOLUTION to create a special joint committee to study wage inequities in the workplace, violations of civil rights in the workplace and the Prevailing Wage Act.

WHEREAS, citizens of this state who are sensitive to matters of justice and fairness will agree that all Tennesseans, as well as all Americans, should have an equal right to obtain and hold employment, enjoy unfettered opportunities for advancement, and expect to receive equitable compensation; and

WHEREAS, today's workforce is increasingly diverse, and an effective use of the skills possessed by all workers dictates that old stereotypical views of the capacities of various categories of workers must be discarded and comparable work must be rewarded equitably; and

WHEREAS, in the workplaces of this state instances of wage disparity and fairness, discrimination, intimidation, or violence based upon race, religion, ethnicity, national origin, gender or disabilities continue to be of concern to members of the General Assembly; and

WHEREAS, there is need for a comprehensive reexamination of the role that federal and state law play in the daily deterrence of workplace discrimination; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study present-day wage disparities and inequities in the workplace and violations of civil rights in today's workplace relating to race, ethnicity, national origin, religion, gender or any disability.

BE IT FURTHER RESOLVED, That the special joint committee shall also conduct a study of the Prevailing Wage Act of 1975 under Tennessee Code Annotated, Title 12, Chapter 4, Part 4, and shall make recommendations to the General Assembly concerning the original printed version of House Bill 1194 introduced on February 8, 2001, including but not limited to the effects of adding or not adding fringe benefits to the prevailing wage calculation under Tennessee Code Annotated, Title 12, Chapter 4, Part 4.

BE IT FURTHER RESOLVED, That the committee shall consist of three (3) members of the Consumer and Employee Affairs Committee of the House of Representatives and three (3) members of the Senate, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Second General Assembly, no later than February 1, 2003, at which time the committee shall cease to exist.

On motion, Amendment No. 2 was adopted.

Rep. Rinks moved that **House Joint Resolution No. 96**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	87
Noes.....	0
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Clem -- 1.

A motion to reconsider was tabled.

MOTION TO RESET BILL

Rep. Davidson moved that House Bill No. 1650, held on the Clerk's desk, be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

House Bill No. 1582 -- Taxes - Imposes tax of \$5.00 on bail bonds; does not create new bail bond because of increase in amount of bond. Amends TCA Title 40, Chapter 11 and Title 67, Chapter 4, by *Rinks, *McDaniel, *Patton. (*SB1496 by *Person)

Further consideration of House Bill No. 1582 previously considered on today's Calendar.

Rep. Rinks moved that House Bill No. 1582 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

ENGROSSED BILLS July 11, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 649.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS July 11, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 96.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

July 11, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1324; also, Senate Joint Resolution(s) No(s). 444, 445, 446, 465 and 470 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

July 11, 2001

The Speaker signed the following: Senate Bill(s) No(s). 1324; also, Senate Joint Resolution(s) No(s). 444, 445, 446, 465 and 470.

ROLL CALL

The roll call was taken with the following results:

Present98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, July 12, 2001.